

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 2-19 are pending, Claims 9, 17 and 18 having been amended by way of the present amendment. No new matter is added.

In the outstanding Office Action, Claims 2-19 were rejected under 35 U.S.C. § 102 as being unpatentable over Guck (U.S. Patent No. 5,911,776, hereinafter Guck) in view of Astle (U.S. Patent No. 5,557,330, hereinafter Astle).

In reply, each of independent Claims 9, 17 and 18 have been amended. All of the claims have been amended as a matter of form, and furthermore Claim 17 has been amended consistent with 35 U.S.C. § 101. To more clearly define over the asserted prior art, the claims have further been amended to clarify that the first file of the predetermined content is stored in a first format and the second file of the predetermined content is stored in a second format. Independent Claims 9 and 17 have further been amended to clarify that the first data, second data and third data all correspond to the predetermined content. These amendments have been made as further emphasis that the predetermined content is actually stored in different formats, the relevance of which will be discussed below to further distinguish Guck.

In the example of Claim 18, Claim 18 is directed to an information processing apparatus, that among other things, includes a database in which a first file ID that identifies a first file of a predetermined content is stored in a first format. The database also has a second file ID that identifies a second file of the predetermined content stored in a second format. The content ID specifying unit is configured to specify a content ID of a predetermined content when the predetermined content is selected from a content list. A selecting unit is

configured to select one of the first file and the second file based on the first file ID and the second file ID acquired from the database when the content ID specified by the content ID specifying unit is associated with the first file ID and the second file ID. Also, a manipulating unit is configured to manipulate the first file or the second file by controlling via an encoder an encoding bit rate for the first file or the second file, whichever has been selected.

The Office Action asserts that Guck discloses all of the elements in Claim 18 except that Guck does not expressly teach controlling an encoding bit rate. Applicants respectfully traverse this assertion.

Claim 18, as amended, specifically requires that a first file of a predetermined content is stored in a first format, and a second file of the predetermined content is stored in a second format. Guck operates on a completely different principle, and does not store a predetermined content in two different formats. Guck provides a server that includes a set of “conversion filters” (converters) which provide “on-the-fly” conversion of documents authored in one specific format (column 4, lines 17-19). In particular, Guck is based on a system that provides the origination and storage of a “source” file and then identifies any one of a number of “shadow” files that do not have any content (column 4, line 45), but are dedicated to a particular output format.

As discussed with reference to Figure 7, the only file stored is a content file; the shadow file merely points back to the first source file (column 4, lines 45-47). Multiple numbers of shadow files and converters can be created in a database for each source file, thus enabling the creation of multiple format outputs which are translated from the source file when required (column 5, lines 7-11). In actuality, a shadow file merely fetches the content

of the source file and then calls on a converter to convert the input content into an output content (column 16, lines 51-55). This use of converters is a principal operation in Guck, so that an author need only create an original document as a source file, and then rely on file-converter groups to translate documents into other formats (see e.g., Abstract).

Thus, comparing amended Claim 18 with Guck, amended Claim 18 requires a database in which a first file ID that identifies a first file of a predetermined content stored in a first file format and a second file ID identifying a second file of the predetermined content stored in a second format. Guck does not store the original file and another version of the original content in a second format. Rather, Guck operates on the completely different principle of saving only a shadow file that does not have “any content” (column 4, line 45). Thus, with respect to Claim 18, Guck does not describe the database component of Claim 18. As such, neither can Guck describe the selecting unit of Claim 18, which requires a selection of one of the first file and the second file, which are previously stored.

The Office Action admits that Guck does not disclose the manipulating unit of Claim 18, but nevertheless relies on Astle to cure this deficiency. However, according to Claim 18’s description of a first file and a second file, the claimed manipulating unit that controls an encoding bit rate for the first file or the second file makes no reasonable sense in the context of Guck, which relies on the use of shadow files. Even assuming *arguendo* that Astle does describe controlling an encoding bit rate for the first file or the second file, Guck simply does not have the claimed first file or second file as claimed. Consequently it is respectfully submitted that Claim 18, as amended, patentably defines over the asserted prior art. Although Claims 2-17 and 19 are of differing statutory class and/or scope, it is respectfully submitted that these claims also patentably define over the asserted prior art for substantially

the same reasons discussed above with regard to Claim 18.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 2-19, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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